

Appl. No. 10/772,047  
Amdt. dated 10/05/2005  
Reply to Office Action of 07/05/2005

**REMARKS**

This Amendment is in response to the Office Action mailed 07/05/2005. In the Office Action, the Examiner rejected claims 1-19 under 35 U.S.C. § 103. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

***Rejection Under 35 U.S.C. § 103***

2. The Examiner rejects claims 1-19 under 35 U.S.C. § 103(a) as being unpatentable over Wilkes (US 6,024,683) in view of Hayashi (US 5,932,985).

The Examiner asserts that the claimed invention is unpatentable over Wilkes in view of Hayashi. The Examiner admits that Wilkes does not disclose the clamp and punch that travel with the work at speed. The Examiner asserts that Hayashi teaches a punch with an inherent clamp that can be combined with the disclosure of Wilkes to teach or suggest all the claim limitations. Applicant respectfully disagrees.

Hayashi discloses a numerically controlled back-and-forth running treating machine for treating a flying stock. Hayashi teaches that treatment is performed "at the instant a speed synchronization is achieved between the machine and the stock." Col. 1, lines 5-12. This is distinctly different than the claimed invention which allows punching of a moving film where there is a slight difference between the speed of the film and the speed of the punch. The invention is able to make speed synchronization between the punch and the film unnecessary by clamping the portion of the film to be punched with a clamp that moves in unison with the punch.

The Examiner asserts that Hayashi teaches an inherent clamp in the design of the punch disclosed without further explanation. Applicant assumes that the Examiner is suggesting that the punch itself tends to clamp the material as it punches through the material. Applicant respectfully submits that such a disclosure does not teach or suggest the clamp as claimed. In

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claim 1, the punch is claimed as penetrating and being withdrawn from the web "while the web is gripped by the clamp." The punch disclosed by Hayashi does not provide for gripping the stock with a clamp from before the punch penetrates the stock until after the punch is withdrawn.

Further, there is no motivation to provide clamping in the punch disclosed by Hayashi because Hayashi provides for speed synchronization between the machine and the stock. If the speeds are synchronized punching can be performed without clamping. The purpose of the clamping in the claimed invention is to allow for punching of a moving web without having speed synchronization. To make this distinction more clear, applicant has amended claims 1, 8, and 14 to add that the second rate at which the clamped portion of the web advances differs from the first rate at which the web is advancing. This amendment only clarifies an element of the invention that was already present in the claims.

There would be no expectation of success in the combination of Wilkes and Hayashi if the inherent clamping of the punch of Hayashi is relied on in the absence of the speed synchronization provided by the machine of Hayashi. Unlike a clamp, the punch disclosed by Hayashi enters the flying stock in a relatively small area which must instantaneously move at exactly the same speed as the punch because the punch positively engages the stock. The sudden acceleration or deceleration of the stock at the small punching area is likely to cause crumpling, stretching, or tearing of the stock at the site of the punching. The stock is especially vulnerable to damage at the point of punching because the integrity of the material is diminished by the punching operation. In great contrast, the claimed clamping occurs over a larger area, without violating the material integrity, and provides an opportunity for a gradual transition between traveling at the first, unclamped speed, to the second, clamped speed.

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Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-19 under 35 U.S.C. § 103(a) as being unpatentable over Wilkes in view of Hayashi.

*Conclusion*

Applicant reserves all rights with respect to the applicability of the doctrine of equivalents. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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By

James Henry  
Reg. No. 41,064

Tel.: (714) 557-3800 (Pacific Coast)